

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chair Bianchi, on February 3, 1993, at 1:04 p.m.

ROLL CALL

Members Present:

Sen. Don Bianchi, Chair (D)
Sen. Bob Hockett, Vice Chair (D)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Lorents Grosfield (R)
Sen. Tom Keating (R)
Sen. Ed Kennedy (D)
Sen. Bernie Swift (R)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Larry Tveit (R)
Sen. Cecil Weeding (D)
Sen. Jeff Weldon (D)

Members Excused: None.

Members Absent: None.

Staff Present: Paul Sihler, Environmental Quality Council
Leanne Kurtz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 261
Executive Action: None.

HEARING ON SB 261

Statement from Governor's Office:

Karen Fagg, representing the Racicot Administration, stated the administration does not specifically endorse SB 261 or any the 4 House bills scheduled for hearing. She added the Racicot Administration does endorse the concept of subdivision reform. Ms. Fagg stated Governor Racicot is prepared to support and sign subdivision legislation. She said reports indicate that about 90% of all land divisions escape review, which can lead to unsafe

roads, unsafe drinking water, improper septic systems, conflicts among neighbors, poor fire protection, unwanted expense to local governments and taxpayers, and hidden costs to landowners. She stated the goal of subdivision reform must be to protect the consumer, protect private property rights and prevent haphazard unreviewed subdivisions of land. Ms. Fagg added subdivision reform must also ensure a quick, predictable method of reviewing subdivision plans. She stated Governor Racicot supports expedited review of minor subdivisions.

Opening Statement by Sponsor:

Senator Steve Doherty, SD 20, stated SB 261 deals with problems in the Montana Subdivision Law that have existed since its inception 20 years ago. Sen. Doherty showed the Committee a report published in 1975 by the Montana Environmental Information Center documenting loopholes in the subdivision law. He stated SB 261 removes the 20 acre exemption, the occasional sale and family conveyances. Sen. Doherty added SB 261 calls for expedited review of minor subdivisions, and does not tinker with private property rights. Sen. Doherty stated the loopholes allow 90% of the land divisions to go unreviewed by local governments.

Informational Testimony:

Michael Kakuk, Environmental Quality Council, discussed his handouts which compare SB 261 with the existing law (Exhibits #1 & #2).

Proponents' Testimony:

Fern Hart, Missoula County Commissioner, read from written testimony (Exhibit #2A)

Chris Gingerelli, Missoula City Council member, stated the Missoula area is experiencing high rates of growth. She said 90% of the land in Missoula County is divided by the certificate of survey method, which results in unreviewed development. She read a resolution adopted by the Missoula City Council (Exhibit #3).

Lisa Bay, Lewis and Clark County Conservation District, stated the District unanimously passed a resolution to support subdivision reform. She discussed how unreviewed land divisions result in 310 violations (violations of the Streambed Protection Act). Ms. Bay said the Spring Creek Ranch development in Lewis and Clark County divided 1,600 acres into 87 homesites, none of which were reviewed. Ms. Bay stated the Conservation District believes that by bringing most divisions of land under review, 310 violations would be substantially reduced, "thereby reducing public tax expenditures through enforcement". Ms. Bay stated the District supports amendments to the Montana Subdivision and Platting Act that would require all divisions of land under 160 acres, except agricultural family exemptions, to be reviewed by

the appropriate agency.

Steve Powell, Ravalli County Commissioner and chairman of the Montana Association of Counties Subdivision Task Force, stated he has been a surveyor since 1975 and has reviewed as many divisions of land as he created as a surveyor. He said it is appropriate for the public to be involved in the subdivision review process. Mr. Powell stated in 1992, 65% of subdivisions in Ravalli County were unreviewed. Mr. Powell said there is a clear distinction between subdivision legislation and land use planning, which is local in nature. He stated conditions and needs vary considerably from one area of the state to the next, and specific regulations are needed for each area. He stated the legislature's proper role is to create a structure by which subdivisions are reviewed, but once they enter the review process, it is up to local governments to handle them. Mr. Powell stated SB 261 recognizes the need to give local governments greater flexibility to develop and expedite the review process. Mr. Powell stated the nature of the existing public interest criteria (an "applause meter") in the subdivision law have caused some trouble.

Richard Boehmler, a Missoula resident, described a potential subdivision and a county road which crosses his property. He discussed the maintenance costs that would be required on the road if 150 unreviewed homesites are developed on the land.

Ric Smith, Century 21 broker/manager in Polson, stated Montana needs subdivision reform. He added reform would be good for the realty business because it would assure customers a quality product. Mr. Smith stated the Realtors Association does not represent all realtors in its opposition to SB 261.

Sherm Janke, Montana Chapter of the Sierra Club, discussed subdivision problems in the Bozeman area, and submitted written testimony. (Exhibit #4)

Jim Richard, Montana Wildlife Federation (MWF) and the Montana Association of Planners (MAP), stated both organizations are interested in a process that provides functional, convenient, livable neighborhoods. He added MWF is concerned about impacts of unreviewed land developments on wildlife and water quality.

Hope Stevens, Bozeman area resident, discussed roads and fire protection problems of unreviewed subdivisions.

Doug Rand, a Bozeman landscape architect, stated all subdivisions should be reviewed, regardless of the acreage. He added counties should be required to review all land divisions. Mr. Rand submitted a letter to the Committee members (Exhibit #5).

Terry Murphy, Jefferson County farmer/rancher, said his area is receiving spillover from the subdivision boom in Gallatin County. He said he does not want to prohibit housing developments, but

advocates proper planning which "does not destroy the existing commercial industries in an area."

Steve Herbaly, Flathead Regional Development Office, discussed his letter to the Committee members (Exhibit #5A).

Alissa Herbaly, Kalispell resident, read from written testimony (Exhibit #6).

Tim Swanson, Mayor of Bozeman, stated the City supports SB 261 because it eliminates occasional sales, 20 acre exemptions, and family conveyances. Mr. Swanson said SB 261 "addresses local elected officials, staff and the public correctly." He discussed Dan McGee's previous testimony before the Committee regarding a proposed subdivision in Bozeman's Story Hills. Mr. Swanson stated the subdivision was denied "solely on access roads to the subdivision, [and] had nothing whatever to do with culdesacs." He stated in the last 10 years, 117 subdivisions have been reviewed, 580 lots created, and 3 subdivisions denied. Mr. Swanson stated he has never seen public comment result in the denial of an application.

Everett "Sonny" Steiger, chief of the Willow Creek Fire Department and Chair of the Tri County Wildland/Urban Interface Fire Working Group, stated the current subdivision law "has the potential to be the worst mistake this state has ever made." He discussed danger to firemen and potential for property damage. Mr. Steiger discussed road conditions that are necessary for safe and effective fire protection.

Tonia Bloom, League of Women Voters, read from written testimony (Exhibit #7).

Julia Page, Upper Yellowstone Defense Fund, read from written testimony (Exhibit #8) and mentioned the videotape the Fund hoped to present. She stated the tape shows Ed Francis of the Church Universal and Triumphant, explaining how to use loopholes in the subdivision law. Ms. Page distributed a written excerpt of Mr. Francis' discussion (Exhibit #8A).

Alec Hanson, Montana League of Cities and Towns, expressed support for SB 261 and submitted written testimony (Exhibit #9).

Matthew Arno, representing Montana Public Interest Research Group (MontPIRG), read from written testimony (Exhibit #10).

Jim Nugent, Missoula City Attorney, submitted written testimony (Exhibit #11), discussing suggestions for an amendment.

Other Proponents:

-Susanna Spencer, Helena

-Christine Mangiantini, League of Women Voters

- Richard Idler, land use counselor (Exhibit #12)
- Don Spivey, Whitefish City-County Planning Board
- Carter Calle, Montana Audubon, distributed a subdivision fact sheet he compiled (Exhibit #13).
- Paul Spengler, president of the Montana Disaster and Emergency Services Association, issued a statement on behalf of the Association (Exhibit #14).
- Dave Pruitt, chairman of the Gallatin County Commission
- Art Whitney, American Fisheries Society (Exhibit #15).
- Valorie Drake, Bozeman, submitted a witness statement (Exhibit #16).
- Dennis Glick, Greater Yellowstone Coalition, submitted written testimony (Exhibit #17).
- Lil Erickson, Bear Creek Council and Northern Plains Resource Council submitted a witness statement (Exhibit #18)

Opponents' Testimony:

Tom Hopgood, Montana Association of Realtors, read from prepared testimony (Exhibit #19).

Mike Money, Bozeman, said he is in favor of subdivision reform, but does not favor SB 261. He added most people "are not against public review; they are against character assassination, [and] they are against the 'wish book' that comes out during the public hearing process," listing improvements that will be placed on developments prior to receiving approval. Mr. Money said he is asking for reform of the subdivision law "so that we can put responsibility back on both sides of the fence." Mr. Money stated he promotes the separation of subdivision and land use planning. He said he supports mandatory capital improvements programming, to determine the limits of fire services, hospitals, schools, roads and bridges. Mr. Money said Gallatin County is beginning to complete its land use plan, adding he supports mandatory land use planning in Montana's cities and counties. He stated SB 261 does not address local governments.

Dan McGee, registered land surveyor, retracted a statement he made previously before the Committee during an informative presentation. He stated he had erred in telling the Committee Bozeman's Story Hills subdivision was denied because of culdesacs. Mr. McGee said he had been misled and apologized to the Committee, the City of Bozeman, and Gallatin County.

Steve Mandeville, legislative chairman, Montana Association of

Realtors, stated SB 261 falls short of dealing with all the important subdivision issues.

Ted Doney, general counsel for the Montana Dairymen's Association, stated dairy farmers own some of the best farm land in the state, and are often pressured to subdivide their land and retire. Mr. Doney noted he is not representing any other agricultural groups. He stated the Dairymen's Association supports subdivision reform, as the current law is allowing for creation of 20 acre weed pastures around Montana. Mr. Doney said the Association supports Sen. Doherty's efforts in other legislation to address tax policy. Mr. Doney said he approves elimination of the 20 acre exemption, expedited review of minor subdivisions, and elimination of the occasional sale exemption. He said his problem with the bill is it "opens the door to interference with agricultural activities". Mr. Doney stated he opposes the provision in SB 261 which eliminates the exemption for immediate family conveyances. He added the public opinion "applause meter" in current law is inappropriate and should be removed. Mr. Doney stated the Dairymen's Association would be supporting Representative Gilbert's subdivision bill.

John Bloomquist, Montana Stockgrowers' Association, stated he concurs with Mr. Doney's testimony. He stated uncontrolled development poses problems for agriculture. Mr. Bloomquist stated the Montana Stockgrowers' Association believes subdivision reform should include bona fide agriculture land transfer provisions, as "agriculture is a documented environmentally compatible land use". Mr. Bloomquist said he believes there is a need for the allowance of family conveyances, adding subdivision reform needs expedited review.

Lorna Frank, Montana Farm Bureau, said the Bureau is concerned about the removal of occasional sales, and family conveyances.

Jerry Ditto, a Helena land surveyor, discussed conveyances of land involving thousands of acres, and said the review process should be streamlined.

Leo Harth, a Park County landowner, said he does not support SB 261 because it does not include a definition of a mobile home and it lacks detail regarding requirements for major and minor subdivisions. Mr. Harth said this lack of detail is costly to property owners, taxpayers, and potential developers. He discussed Park County's proposals for subdivision reform, and added that wherever Montana's law is at variance with other regulations, ordinances and resolutions, the state law should apply.

Don Miller, Townsend resident, stated concerns about fire protection, police protection, weed control, soil erosion and pets are trivial. He said he would sacrifice fire protection for peace and quiet. Mr. Miller discussed agricultural and residential taxation classifications. He stated the major reason

he opposes SB 261 is he believes in "the right of the individual to handle his or her property in the best...way they see fit".

Bill Myers, Agriculture Preservation Association, stated the Association agrees with the elimination of the 20 acre exemption, but opposes elimination of family exemptions and occasional sales for bona fide agricultural producers. Mr. Myers discussed how occasional sales have helped farmers and ranchers monetarily, and suggested the Committee amend the bill to allow no more than one occasional sale every 24 months. He also suggested the subdivision law permit occasional sales if an individual can prove financial need.

Tom Sands, president of the Montana Association of Registered Land Surveyors (MARLS), stated the MARLS is not opposed to subdivision reform, but opposed to elimination of occasional sales and family transfers. He added at least three-fourths of the 20 acre parcels established in Montana have been created out of fear that the legislature will eliminate the exemption. Mr. Sands stated subdivision and parkland review needs to be streamlined.

Dan Keho, Park County landowner, stated he opposes SB 261 because the subdivision law needs more revision than the bill offers. He said present regulations are too vague, leaving too much to subjective opinion and prejudices at the county level. Mr. Keho said state regulation should prevail if there is variance with local regulations.

Bob Champ, Great Falls real estate broker, stated he has helped a farmer save his farm through use of the occasional sale. He expressed concern over lost income if subdivisions are restricted.

Doug Olsen, Paradise Valley Coalition, discussed the definition of "subdivision" in 76-4-102 and former Attorney General Greeley's opinion in Volume 39, Number 28, defining a subdivision as "any area regardless of size which provides multiple space for mobile homes." He said under the current definition, a farmer's property with 2 or 3 mobile homes could be considered a subdivision.

Questions From Committee Members and Responses:

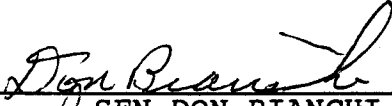
None allowed due to time constraints.

Closing by Sponsor:


Sen. Doherty reviewed the testimony, highlighting Ric Smith's statement that subdivision reform would be good for the realty business. He mentioned problems associated with the rural/urban interface, and concluded he would resist amendments.

ADJOURNMENT

Adjournment:



SEN DON BIANCHI, Chair



LEANNE KURTZ, Secretary

DB/lk

ROLL CALL

SENATE COMMITTEE NATURAL RESOURCES DATE 2/3

NAME	PRESENT	ABSENT	EXCUSED
Sen. Bianchi	X		
Sen. Hockett	X		
Sen. Bartlett	X		
Sen. Doherty	X		
Sen. Grosfield	X		
Sen. Keating	X		
Sen. Kennedy	X		
Sen. Swift	X		
Sen. Surogoal	X		
Sen. McCernan	X		
Sen. Treitz	X		
Sen. Weeding	X		
Sen. Weldon	X		

Purpose 76-3-102 See handout p. 1. No change.

Subdivision Definition 76-3-103(15) p. 2 Removes 20 acres. [Sc 1, p. 4 (15)]

Occasional Sale 76-3-103(8) 76-3-207(1)(d) p. 1-2 Removes occasional sale. [Sc 1, p. 2 and Sc 3, p. 5]

Family Sale 76-3-207(1)(b) Removes family sale. [Sc 3, p. 5]

Local Regulations 76-3-501 p. 3 76-3-504 p. 4 No change.

Park land Requirements 76-3-606 p. 4 76-3-607 p. 5 No change.

Review Criteria 76-3-608 p. 6 No change.

Minor Subdivision Review 76-3-609 p. 6 Minor defined. [Sc 1, p. 2(8)] Local government summary review process and eligibility criteria required. [Sc 4, p. 6(1)] Local government authority to waive specific requirements for certain minors. [Sc 4, p. 6 (2)] Minors in master planned areas are exempt from 76-3-608 criteria. [Sc 4, p. 8(4)]

Access Not required. No change.

Other

Handout -- Selected Subdivision Statutes

"76-3-102. Statement of purpose. It is the purpose of this chapter to promote the public health, safety, and general welfare by regulating the subdivision of land; to prevent overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light, air, water supply, sewage disposal, parks and recreation areas, ingress and egress, and other public requirements; to require development in harmony with the natural environment; to require that whenever necessary, the appropriate approval of subdivisions be contingent upon a written finding of public interest by the governing body; and to require uniform monumentation of land subdivisions and transferring interests in real property by reference to plat or certificate of survey."

"76-3-103. Definitions. As used in this chapter, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

(1) "Certificate of survey" means a drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations.

(2) "Dedication" means the deliberate appropriation of land by an owner for any general and public use, reserving to himself no rights which are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.

(3) "Division of land" means the segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to or possession of a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to this chapter.

(4) "Examining land surveyor" means a registered land surveyor duly appointed by the governing body to review surveys and plats submitted for filing.

(5) "Final plat" means the final drawing of the subdivision and dedication required by this chapter to be prepared for filing for record with the county clerk and recorder and containing all elements and requirements set forth in this chapter and in regulations adopted pursuant thereto.

(6) "Governing body" means a board of county commissioners or the governing authority of any city or town organized pursuant to law.

(7) "Irregularly shaped tract of land" means a parcel of land other than an aliquot part of the United States government survey section or a United States government lot, the boundaries or areas of which cannot be determined without a survey or trigonometric calculation.

(8) "Occasional sale" means one sale of a division of land within any 12-month period.

(9) "Planned unit development" means a land development project consisting of residential clusters, industrial parks, shopping centers, office building parks, or any combination thereof which comprises a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use.

(10) "Plat" means a graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications.

(11) "Preliminary plat" means a neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision which furnish a basis for review by a governing body.

(12) "Registered land surveyor" means a person licensed in conformance with Title 37, chapter 67, to practice surveying in the state of Montana.

(13) "Registered professional engineer" means a person licensed in conformance with Title 37, chapter 67, to practice engineering in the state of Montana.

(14) "Subdivider" means any person who causes land to be subdivided or who proposes a subdivision of land.

(15) "Subdivision" means a division of land or land so divided which creates one or more parcels containing less than 20 acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and shall include any resubdivision and shall further include any condominium or area, regardless of its size, which provides or will provide multiple space for recreational camping vehicles or mobile homes."

"76-3-207. Subdivisions exempted from review but subject to survey requirements -- exceptions. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions of land are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions of land not amounting to subdivisions:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a gift or sale to any member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by sale or agreement to buy and sell where the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;

(d) a single division of a parcel outside of platted subdivisions when the transaction is an occasional sale;

(e) for five or fewer lots within a platted subdivision, relocation of common boundaries and the aggregation of lots; and

(f) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. Any restrictions or requirements on the original platted lot or original unplatted parcel continue to apply to those areas.

(2) Notwithstanding the provisions of subsection (1):

(a) within a platted subdivision filed with the county clerk and recorder, any division of lots which results in an increase in the number of lots or which redesigns or rearranges six or more lots must be reviewed and approved by the governing body, and an amended plat must be filed with the county clerk and recorder;

(b) any change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to the provisions of this chapter.

(3) No division of land may be made under this section unless the county treasurer has certified that no real property taxes assessed and levied on the land to be divided are delinquent."

"76-3-501. Local subdivision regulations. (1) Before July 1, 1974, the governing body of every county, city, and town shall adopt and provide for the enforcement and administration of subdivision regulations reasonably providing for the orderly development of their jurisdictional areas; for the coordination of roads within subdivided land with other roads, both existing and planned; for the dedication of land for roadways and for public utility easements; for the improvement of roads; for the provision of adequate open spaces for travel, light, air, and recreation; for the provision of adequate transportation, water, drainage, and sanitary facilities; for the avoidance or minimization of congestion; and for the avoidance of subdivision which would involve unnecessary environmental degradation and the avoidance of danger of injury to health, safety, or welfare by reason of natural hazard or the lack of water, drainage, access, transportation, or other public services or would necessitate an excessive expenditure of public funds for the supply of such services.

(2) Review and approval or disapproval of a subdivision under this chapter may occur only under those regulations in effect at the time an application for approval of a preliminary plat or for an extension under 76-3-610 is submitted to the governing body."

"76-3-504. Minimum requirements for subdivision regulations. The subdivision regulations adopted under this chapter shall, at a minimum:

- (1) require the subdivider to submit to the governing body an environmental assessment as prescribed in 76-3-603;
- (2) establish procedures consistent with this chapter for the submission and review of subdivision plats;
- (3) prescribe the form and contents of preliminary plats and the documents to accompany final plats;
- (4) provide for the identification of areas which, because of natural or man-caused hazards, are unsuitable for subdivision development and prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques;
- (5) prohibit subdivisions for building purposes in areas located within the floodway of a flood of 100-year frequency as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body;
- (6) prescribe standards for:
 - (a) the design and arrangement of lots, streets, and roads;
 - (b) grading and drainage;
 - (c) water supply and sewage and solid waste disposal which, at a minimum, meet the regulations adopted by the department of health and environmental sciences under 76-4-104;
 - (d) the location and installation of utilities;
- (7) provide procedures for the administration of the park and open-space requirements of this chapter;
- (8) provide for the review of preliminary plats by affected public utilities and those agencies of local, state, and federal government having a substantial interest in a proposed subdivision; such utility or agency review may not delay the governing body's action on the plat beyond the time limits specified in this chapter, and the failure of any agency to complete a review of a plat may not be a basis for rejection of the plat by the governing body."

"76-3-606. Dedication of land to public -- cash donations.

- (1) A plat of a residential subdivision shall show that one-ninth of the combined area of lots 5 acres or less in size and one-twelfth of the combined area of lots greater than 5 acres in size, exclusive of all other dedications, is forever dedicated to the public for parks or playgrounds. No dedication may be required for the combined area of those lots in the subdivision which are larger than 10 acres exclusive of all other dedications. The governing body, in consultation with the planning board having jurisdiction, may determine suitable locations for such parks and playgrounds.

DATE 2-3-93

SB-261

(2) Where the dedication of land for parks or playgrounds is undesirable because of size, topography, shape, location, or other circumstances, the governing body may, for good cause shown, make an order to be endorsed and certified on the plat accepting a cash donation in lieu of the dedication of land and equal to the fair market value of the amount of land that would have been dedicated. For the purpose of this section, the fair market value is the value of the unsubdivided, unimproved land. Such cash donation shall be paid into the park fund to be used for the purchase of additional lands or for the initial development of parks and playgrounds.

(3) The park dedication and cash in lieu requirements of subsections (1) and (2) do not apply to any division that creates only one additional lot."

"76-3-607. Waiver of land dedication and cash donation requirements. (1) If the proposed plat provides for a planned unit development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside therein, the governing body may issue an order waiving land dedication and cash donation requirements.

(2) If a tract of land is being developed under single ownership as a part of an overall plan and part of the tract has been subdivided and sufficient park lands have been dedicated to the public from the area that has been subdivided to meet the requirements of 76-3-606 for the entire tract being developed, the governing body shall issue an order waiving the land dedication and cash donation requirements for the subsequently platted area.

(3) The local governing body may waive dedication and cash donation requirements:

(a) where all of the parcels in a subdivision are 5 acres or more in size and where the subdivider enters a covenant to run with the land and revocable only by mutual consent of the governing body and the property owner that the parcels in the subdivision will never be subdivided into parcels of less than 5 acres and that all parcels in the subdivision will be used for single family dwellings;

(b) when the subdivider agrees to create a property owners' association for the proposed subdivision and to deed to the association land to be held in perpetuity for use as parks or playgrounds, and the area of land to be deeded to the association shall equal the amount that would otherwise have been dedicated to public use;

(c) for subdivision to be created by rent or lease where the subdivider agrees to develop parks or playgrounds within the subdivision for the common use of the residents of the subdivision, and the area of land to be reserved for this purpose shall equal the amount that would otherwise have been dedicated to the public."

"76-3-608. Criteria for local government review. (1) The basis for the governing body's decision to approve, conditionally approve, or disapprove a subdivision shall be whether the preliminary plat, environmental assessment, public hearing, planning board recommendations, and additional information demonstrate that development of the subdivision would be in the public interest. The governing body shall disapprove any subdivision which it finds not to be in the public interest.

(2) To determine whether the proposed subdivision would be in the public interest, the governing body shall issue written findings of fact which weigh the following criteria for public interest:

- (a) the basis of the need for the subdivision;
- (b) expressed public opinion;
- (c) effects on agriculture;
- (d) effects on local services;
- (e) effects on taxation;
- (f) effects on the natural environment;
- (g) effects on wildlife and wildlife habitat; and
- (h) effects on the public health and safety."

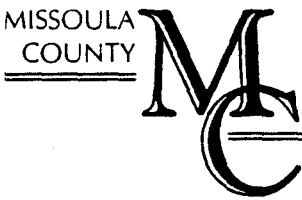
"76-3-609. Review procedure for minor subdivisions. Subdivisions containing five or fewer parcels where proper access to all lots is provided and in which no land is to be dedicated to the public for parks or playgrounds are to be reviewed as follows:

(1) The governing body must approve, conditionally approve, or disapprove the first such subdivision from a tract of record within 35 days of the submission of an application for approval thereof.

(2) The governing body shall state in writing the conditions which must be met if the subdivision is conditionally approved or what local regulations would not be met by the subdivision if it disapproves the subdivision.

(3) The requirements for holding a public hearing and preparing an environmental assessment shall not apply to the first such subdivision created from a tract of record.

(4) Subsequent subdivisions from a tract of record shall be reviewed under 76-3-505 and regulations adopted pursuant to that section."



Senate Committee on Natural Resources February 3, 1993

Chairman Bianchi and committee members:

My name is Fern Hart. I am County Commissioner of Missoula County. Thank you for the opportunity to comment on the proposed subdivision legislation.

Since there are several bills both in the House and in the Senate, I would like to discuss our concerns with land divisions in a general way.

We have been confronted with the consequent problems of access, adequate water and sewage besides the responsibility to respond to safety concerns.

The following are our most critical considerations:

We agree that the current subdivision legislation needs revision; however, we are not suggesting a total redraft. We would also ask that some development standards remain the prerogative of the local level of government so that we don't complicate and already complicated process.

Increasing the acreage to be reviewed from 20 to 120 and removing the occasional sale and gift to family member would give us the opportunity to plan our growth. Exhibit

From 1973 to October of 1992 in Missoula County

123,369 acres were divided by
Certificates of Survey (88%)

10,831 acres were divided by
subdivision review (12%)

SENATE NATURAL RESOURCES

EXHIBIT NO. 2A

DATE 2/3/93

BILL NO. SB 261

Between the dates of March 13, 1991 and April 17, 1991

Parcel #4 became five
parcels without subdivision review.

We continue to support public review. It might be beneficial to arrange for public review earlier in the process rather than wait until a great amount of work has been done by the developer. Also, in order to streamline the process, we would favor expediting the minor subdivision review and clarifying the eight public interest criteria.

Again, thank you for this opportunity to participate in this hearing.

RESOLUTION NUMBER _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOULA, MONTANA, SUPPORTING REFORM OF THE MONTANA STATE SUBDIVISION LAWS.

WHEREAS, unreviewed divisions of land in Missoula City and County have caused:

- o Unpaved roads that contribute to air pollution;
- o Longer motor vehicle commutes, which also contribute to air pollution;
- o Extensive unsewered land development, which threatens public health, including the quality of our groundwater resource;
- o Avoided parkland dedication and cash-in-lieu payments to local governments;
- o Inadequate local infrastructure, as illustrated by overburdened fire departments, police departments, and public schools;
- o Higher road maintenance costs;
- o Adverse impacts on agricultural operations;
- o Increased local service costs to taxpayers;
- o Proliferation of noxious weeds and heightened wildfire danger;
- o Increased costs to tax and license-supported state and federal agencies who manage public resources and lands;
- o Adverse impacts to critical wildlife habitat;
- o Pollution of surface water and groundwater systems so essential to human health; and
- o Loss of other significant natural and cultural resources; and

WHEREAS, the Montana Subdivision and Platting Act now authorizes (1) unreviewed divisions of land twenty acres or larger in size, (2) unreviewed occasional sale divisions, and (3) unreviewed family conveyance divisions, pursuant to which the vast majority of land in the State of Montana is divided without public review; and

WHEREAS, local government review of proposed land divisions:

- o Advances the public health, safety and general welfare of the community;
- o Results in a more equitable distribution of development costs;
- o Provides protection to neighboring property owners;
- o Provides consumer protection to property purchasers;
- o Protects and enhances wildlife and conservation resources in critical areas;
- o Promotes economic stability by protecting investments in land development;
- o Protects air and water resources in Missoula City and County as well as in bordering areas;
- o Enables local governments to plan and budget for services in a manner that wisely conserves tax monies;
- o Offers ample opportunity for public participation; and
- o Otherwise furthers the community goals and policies as expressed in adopted Comprehensive Land Use Plans.

NOW, THEREFORE, BE IT RESOLVED that the Missoula City Council urges and supports Montana Subdivision and Platting Act law reforms that would:

STATE OF MONTANA NATURAL RESOURCES

EXHIBIT NO. 3

DATE 2/3

BILL NO. 513 261

- o Eliminate the occasional sale exemption;
- o Eliminate the family conveyance exemption;
- o Require the review of all divisions of land smaller than 640 acres;
- o Require the review of apartment houses, four-plexes and duplexes, and other multi-unit residential developments held under single ownership; and
- o Retain a comprehensive subdivision review process.

The Council further resolves to support appropriate subdivision reform during the 1993 Legislative Session and will seek the support of all Missoula County legislators for such reform.

PASSED AND ADOPTED this _____ day of February, 1993.

ATTEST:

APPROVED:

Charles C. Stearns
Finance Officer/City Clerk

Daniel Kemmis
Mayor

(SEAL)

Jim ...

[REDACTED]

from: Montana Chapter of the Sierra Club

re: Subdivision reform in the 1993 session of the Montana Legislature

Montana relies on its quality of life to attract visitors and residents, yet allows that quality to be degraded by the proliferation of unreviewed subdivisions. This degradation takes the forms of visual intrusion, negative impacts on wildlife habitat, particularly in riparian zones, winter range, and forested areas. It further extends to soil erosion, degradation of surface and underground waters because of contamination, and to extensive vehicular movement from subdivisions to urban centers where traffic congestion and air pollution result.

Since the Subdivision and Platting Act of 1973 went into effect, the use of its major exemptions have permitted from 91 to 93 percent of subdivided acreages in Gallatin, Missoula and Ravalli counties to escape review. In Gallatin County, this translates into over 108,000 unreviewed acres.

The most commonly used exemption, that for parcels exceeding 20 acres, accounted in the period from 1973 to 1992 for 67.5% of the acreage that was not subject to review in Gallatin County. The occasional sale and gift or sale to family member provisions accounted for the next most frequently used exemptions.

The Montana Chapter of the Sierra Club asserts that the Subdivision and Platting Act of 1973 should be amended to eliminate the 20 acre and the occasional sale exemptions. The family gift or sale provision should be restricted.

At the same time the Act's requirements for review criteria and for park land within developments should be retained or even strengthened: that impacts on agriculture, local taxes, local services, public health and safety, natural environment, wildlife and wildlife habitats must be considered.

Additionally, the costs of such review should be assessed to developers rather than to county taxpayers; the mechanism could be fee-based or by the establishment of an up-front fund upon which the county would draw. Another option could involve a real estate transfer tax, the proceeds of which would accrue to the county for planning, review, and enforcement of regulations.

Permitting subdivisions to escape review is not in the best interest of Montana businesses, particularly as those who work in those businesses but reside in unreviewed subdivisions come to realize that they may face hidden costs, poor roads, and unreliable ground water while not being accessible to emergency services. Further, the use of exemptions is not to the benefit of a real estate industry and development industry that has any kind of long-term perspective: why should it encourage practices that will give it a poor reputation? And why should the industry encourage or condone practices that will reduce the scope of its future options?

Sherman H. Janke
Chair, Subdivision Task Force

SENATE NATURAL RESOURCES

EXHIBIT NO. 4

DATE 2/3

BILL NO. 261

Doug Rand, Architect and Landscape Architect
37 East Main, Bozeman, Montana 59715
(406) 587-8252 & 763-4394

Monday, February 1, 1993

Senator Don Bianchi
Chairman, Senate Natural
Resources Committee
Capital Station
Helena, Montana 59620

Re: Effective Subdivision Regulation reform

Dear Representative Knox:

I have enclosed 14 copies of this letter. Could you please distribute them to your Natural Resources Committee before the Feb. 3 hearings.

I urge you to pass legislation which would require counties to review all subdivision of land.

Merely raising the acreage threshold does not provide adequate protection for our relatively cheap lands. Clients of mine from out-of-state have remarked that they "love Montana because it is so cheap, its like free". I can easily imagine people being able to buy 320 acre "lots" in some of our unspoiled areas. Recently a series of ("unreviewed") 20 acre lots have sold at Big Sky for \$890,000.* each.

Let's stop making it so easy to make a mess of our wonderful state.

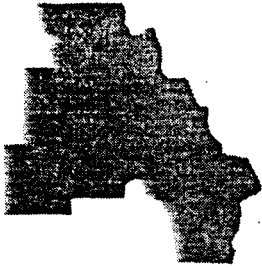
Sincerely,



Doug Rand

* You might consider a "real-estate transfer tax" on such high priced recreational property to help the state budget problems.

SENATE NATURAL RESOURCES
EXHIBIT NO. 5
DATE 2/3
BILL NO. SB 261



Flathead Regional Development Office

723 5th Avenue East - Room 414
Kalispell, Montana 59901

Phone: (406) 752-5300 Ext. 279

February 1, 1993

Senator Sue Bartlett
Natural Resources Committee
Montana Senate
Capitol Station
Helena, MT 59620

Dear Senator Bartlett:

The issue of changes to the Montana Subdivision and Platting Act is again facing the Legislature. The Law is failing to do what it was created to do, assure that land subdivision in the State would be in the public interest.

In Flathead County, since passage of the Act, there have been thousands of tracts and subdivision lots created. The major distinction between these two types of land divisions is the amount of impact they have on the land base. From 1891 - 1973 there were approximately 14,258 lots created dividing 8,236 acres. From 1973, when the current Act was passed, to present there have been another 6,358 lots created under the review provisions of the Act dividing 8,575 acres. The total for the exempted land divisions: 7,783 tracts dividing 104,843 acres.

Roughly translated that means that since the earliest records only about 16% of land divisions have been "found in the public interest" and since the passage of the Act only about 6% of the land area divided has been under review.

Presented below are my recommendations regarding the revision of the Subdivision and Platting Act. As many of you are aware, there are several bills introduced to amend the current law. These are similar in several instances with the exception of HB 280. Attachment A is a comparison of the bills submitted at the time this memo is being drafted. Prepared by the EQC, this document is a summary to compare those areas in the law that would change under each bill. Attachment B, prepared by the DOC, is a more detailed summary of the impact of changes that HB 280 proposes.

The first point that should be made is that I think the problems with the existing law can be corrected with some simple changes and that a comprehensive re-write of the statute is unnecessary.

SENATE NATURAL RESOURCES

EXHIBIT NO. 5A

DATE 2/3/93

BILL NO. SB 261

Providing Community Planning Assistance To:

The most problematic component of the Act is the definition of subdivision which has spawned the "20 acre" land rush. Without review, tens of thousands of acres have been committed to low density, difficult to service land speculation development patterns.

Of the bills reviewed, HB 280 seems to strike a middle ground with the 160 acre threshold.

The second substantive area of change proposed in the Act is the purpose section.

I do not support any changes here. The intent of the Act is to determine if land division is in the public interest.

All bills reviewed eliminate the occasional sale provision.

I support this elimination.

All bills in the House propose to modify or retain the Family Transfer provision; SB 261 proposes removal of the exemption.

I support SB 261 in this area.

Two of the bills add limited language regarding "private property rights".

This is an extensively litigated area of land use law and addressed in other sections of the MCA. It is inappropriate for this language to be included.

Two of the bills propose modification of the park land dedication requirement.

If changed, I support the language in HB 218.

The next area of significant change is regarding the Public Interest "review criteria" for subdivisions. Two bills propose changes, three propose none.

I support No changes. If granted the change to eliminate "basis of need" would have little negative effect on the Public Interest.

Minor subdivision review requirements are modified in three of the bills.

I support the language in SB 261.

EXHIBIT #5-A
DATE 2-3-93
SB-261

HB 280 requires access for subdivision approval.

I support this requirement.

In summary there are provisions in several of the bills that can be utilized to simplify and improve the Act. I would argue that the fact that Flathead County has reviewed and approved 6,358 lots and in the process created homesite for approximately 16,000 new residents that the Subdivision and Platting Act can work.

In closing I want to underscore my opposition to a redrafting of the complete Act. In particular, HB 280 substantively reverses the existing process, of the development community bearing the burden of proving the land development in the public interest, to one where the local governing body must justify a denial without the benefit of broad based criteria to evaluate the development.

As currently drafted I can support SB 261 with the minor amendments to include the provisions indicated above.

If you have any questions regarding this evaluation please call the Office in Kalispell.

Sincerely,

Stephen F. Herbaly
Planning Director

SFH/dh
Attachments: Attachment A
Attachment B

No change.

Removes "public interest" and "harmony with natural environment" requirements. Adds "property right" protections. [Sc 1, p. 2]

Removes "public interest" requirements. [Sc 1, p. 1]

Changes 20 acres to 640 acres. [Sc 1, p. 4 (15)]

Changes 20 acres to 160 acres. [Sc 2, p. 6] Provides numerous exceptions to definition. [p. 7-10, (b)(i) - (xiii)]

Removes 20 acres. [Sc 2, p. 4 (14)]

Removes occasional sale. [Sc 1, p. 3 and Sc 3, p. 5]

Removes occasional sale. [Repealer] [Sc 2, p. 4 and Sc 20, p. 37]

Removes occasional sale. [Sc 2, p. 3 and Sc 4, p. 6]

Limits family sale to 1 transfer to each member of agricultural producer's immediate family. [Sc 3, p. 3 (1)(b)]

Limits family sale to 1 transfer to each member of agricultural producer's immediate family. [Sc 2, p. 9, (xi)(A)]

No change.

No change.

Repeals 76-3-504 and incorporates requirements into 76-3-501. Limits local government regulation to specific issues identified. [Sc 6, p. 12-14]

No change.

No change.

Acres based scale to determine amount of peak land dedication. [Sc 14, p. 27-31]

No change.

No change.

Removes public interest and all existing review criteria. Specifies the hazards to be evaluated, identifies other primary review criteria and establishes mitigation requirements. [Sc 12, p. 22-27]

Removes "public interest", "hazards of interest" and "expressed public opinion" as review criteria. [Sc 6, p. 8] Identifies other primary review criteria. [Sc 6, p. 9 (3)]

No change.

Repeals 76-6-609. Minor defined [Sc 2, p. 4 (12)] Expedited review required. [Sc 6, p. 13 (1)(e)] No informational hearing for 1st minor from tract of record. [Sc 11, p. 20 (3)(c)] Minors in master planned areas are exempt from 76-3-608. [Sc 12, p. 26 (7)]

No change.

No change.

Access required. [Sc 12, p. 23 (3)(d)] Legal and physical access defined. [Sc 2, p. 2 (1)]

Access required. [Sc 6, p. 9 (3)(d)]

Agricultural producer defined. [Sc 1, p. 1 (1)]

Provides for citizen suit against local government. [Sc 4, p. 11] Environmental assessment modifications. [Sc 9, p. 17-18] Establishes process and criteria for informational hearings. [Sc 11, p. 19-21] Agricultural producer defined. [Sc 2, p. 3 (2)]

Limit of 2 public hearings. [Sc 5, p. 8 (5)]

EXHIBIT #5-A
DATE 23-93
1 SB-261

<u>ISSUE</u>	<u>EXISTING LAW</u>	<u>SB 261</u>
Purpose	76-3-102 See Handout Page 1	No change
Subdivision Definition	76-3-103(15) Page 2	Removes 20 acres. (Sc 1, p.4 <15>)
Occasional Sale	76-3-103(8) 76-3-207(1) (d) Page 1 & 2	Removes occassional sale. (Sc 1, p.2 & Sc 3, p.5)
Family Sale	76-3-207(1) (b)	Removes family sale. (Sc 3, p.5)
Local Regulations	76-3-501 Page 3 75-3-504 Page 4	No changes.
Parkland Requirements	76-3-606 Page 4 76-3-607 Page 5	No changes.
Review Criteria	76-3-608 Page 6	No changes.
Minor	76-3-609 Page 6	Minor defined (Sc 1, p.2<8>) Local government summary review process and eligibility criteria required. (Sc 4, p.6<1>) Local governments authority to waive specific requirements for certain minors. (Sc 4, p.6<2>) Minors in master planned areas are exempt from 76-3-608 criteria. (Sc 4, p.8<4>).
Access	Not required.	No change.
Other		

DISCUSSION PAPER ON HB 280 SUBDIVISION BILL

JAN 28 1993

PURPOSE AND BENEFIT OF SUBDIVISION REVIEW

The subdivision review process occurs when land is divided into smaller parcels for the purpose of permitting the transfer of the subdivided pieces to someone other than the owner of the original tract. The purpose of effective local government subdivision review is to protect public health, safety, and welfare concerns which result when land is subdivided or a change in use is expected. Subdivision review is intended to help improve the quality of the subdivision development. This benefits the developer and landowner who reap increased profits, the lot buyers who receive more valuable and usable lots, and the public at large and taxpayers who do not have to pay the cost of correcting improperly planned roads or providing other public facilities needed to serve the subdivision. Subdivision review helps insure that all parties effected by the new subdivision get a fair deal.

BRIEF SUMMARY OF HB 280 APPROACH TO SUBDIVISION REVIEW

HB 280 extensively revises the existing Montana Subdivision and Platting Act. The bill eliminates some current exemptions which allow certain divisions of land to occur without review. However, it also creates several new exemptions and eliminates the authority local governments now have to prohibit the use of exemptions to evade the Act. HB 280 substantially changes local government subdivision review procedures, including requirements for developers, contents of local regulations, criteria for making decisions, and public hearing requirements.

MAJOR CONCERNS OR PROBLEMS WITH HB 280

1. HB 280 is a wholesale revision of current law, including the amendment or repeal of 32 sections of state law. A revision of this magnitude will require every local government in the state to rewrite their subdivision regulations. This will cause needless delays and increase costs. This bill substantially revises or completely eliminates many sections of current statute that have never proven to be a problem either with the courts, local governments, or developers.
2. HB 280 creates new sweeping new "exemptions" and eliminates local governments current authority to prohibit the use of exemptions to evade the Act. This will result in the costly road problems, easement problems, and other problems associated with subdivisions that are exempt from review.
3. HB 280 shifts the burden of gathering information regarding a proposed subdivision and mitigating hazards created by the proposal from the developer to local government. It also prohibits the governing body from collecting necessary site specific information regarding the parcel in question.
4. HB 280's revision of the public participation process severely limits the publics opportunity to participate in local government decisions and make comment on proposals that will affect their communities. It creates an adversarial relationship between the local government, the developer, and the public because no hearing will be held unless someone can prove that they are "substantially adversely affected."

LANDOWNERS, DEVELOPERS, AND HB 280

Delays. Landowners and developers will experience delays in processing requests for subdivision approval, because HB 280 requires local governments to completely rewrite their subdivision review procedures. Current Montana law provides for one of the most expedited review processes in the nation. HB 280 will cause substantial delays as local governments completely rewrite their regulations and learn how to use the new procedures.

Increased Cost. Because HB 280 adds complicated new requirements which demand extensive research and development costs, local governments will have to substantially

Uncertainty in Review.

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2-3-93
SB-261

Under HB 280, only a person who can "prove" they will be "substantially adversely affected" by a proposed subdivision can request an "informational hearing." In some cases local governments may have many people claim to be adversely affected and have to spend time sorting out who is or is not entitled to a hearing. Attempts to resolve these disputes may add another hearing to the subdivision approval process to determine eligibility. This would add delays to the approval process.

LOT BUYERS, HOUSING AFFORDABILITY, AND HB 280

Increased costs. Many local governments will have to hire engineers to help them with implementing the new hazard mitigation provisions contained in HB 280. The costs of these services will be added to subdivision application fees and will ultimately be passed on to lot buyers and home owners. There is already a housing affordability problem in Montana. These additional costs will add to the problem.

Safety hazards with properties. Unlike current law, HB 280 substantially restricts the ability of local governments to require that the land developer provide building sites that are free of man-made hazards such as high pressure gas lines, noxious or hazardous substances, high voltage overhead power lines, and many other hazards. Historically, a fundamental and crucial purpose of effective subdivision review has been to provide safe, usable building sites free of hazards.

TAXPAYERS AND HB 280

Increased Costs. Local taxpayers will pay the additional costs to comprehensively rewrite subdivision regulations and modify subdivision review procedures.

LOCAL GOVERNMENTS AND HB 280

Under HB 280's informational hearing provisions only members of the public who can "prove" they will be "adversely affected" by the proposal may request that a hearing be held. Allowing the public to only participate in those governmental decisions which can be shown to adversely affect an individual appears to violate the rights guaranteed by Article II, Section 9, of the Montana Constitution.

Under current law local governments must consider the effects of a proposed subdivision on water quality, wildlife, and other factors. The purpose of this requirement is to allow subdivision development while mitigating potential damage to the environment.

Under HB 280 the environmental information used to evaluate a proposal must be "existing and reasonably accessible." No local government entity in Montana presently has a comprehensive environmental inventory for every sector of its jurisdictional area. Given the current fiscal limitations of most local governments, this type of data base would be impossible to generate.

THE ALTERNATIVE TO HB 280'S REVIEW PROCESS

Based on comments from local officials from across Montana, it is clear that the 3 major exemptions to the current law are the principal reason the law has proven ineffective - - not the current laws's subdivision review process. This suggests an approach that deletes these exemptions, without substantially changing the current review process, would be a sound technique for reform of the current law. Those three exemptions are the 20 acre definition, the occasional sale, and the family conveyance.

Subdivision regulation reform legislation which focuses on these narrow areas of concern would be far preferable to HB 280's unnecessary sweeping approach.

Good Afternoon, my name is Alissa Herbaly, I live in Kalispell, and I've lived in Montana most of my life. I think Montana is an awesome and wonderful state. I just want to say that ~~this~~ bill for change needs to be supported, because Montana should be preserved from the over population and unnesesary pollution of our air, and waterways that comes from not being planned ~~and~~ zoned. ~~So~~ I think that the subdivision laws should be reviewed and changed so there will be some of our state left for me and other children of today, to enjoy tomorrow.

SENATE NATURAL RESOURCES

EXHIBIT NO. 6

DATE 2/3

BILL NO. SB 261

February 3, 1993

TO: Senate Natural Resources Committee
FROM: Tonia Bloom for the League of Women Voters of Montana
RE: In support of SB 261

On behalf of the League of Women Voters of Montana I would like to rise in support of SB 261. The League has long recognized that good land use planning and orderly growth will not be possible in Montana until the existing subdivision laws are reformed to eliminate the major exemptions. In fact, such a small percentage of subdivisions currently are reviewed that it would not be an exaggeration to say that Montana does not have a subdivision law.

The vast majority of the subdivisions in the state are being created using the 20 acre exemption, the occasional sale exemption, the family conveyance exemption -- or some combination of all three exemptions. In Ravalli County, where I live, up to 90% of all subdivisions are essentially exempted from local review. As more and more acres in the rapidly growing areas of Montana are subdivided without review, the costs to local taxpayers are mounting.

SB 261 addresses what everyone knows are the real problems with the law. It would eliminate the occasional sale, the family conveyance and ensure that all land divisions receive review. In addition it would give local governments the flexibility to set up local criteria to determine which subdivisions are eligible for an abbreviated summary review process. This is a good solution to the problem of how to handle the increased volume of land divisions that would be subject to review. Giving local authorities the means to tailor the criteria for summary review to their needs and to the pattern of development in their county is a sensible approach. All counties do not have the same experience of development and this approach may work better and be more acceptable than imposing uniform statewide criteria.

It must be emphasized that subjecting land divisions to review is not a means to prevent development or growth. It merely gives local governments the opportunity to ensure that lots have access, that roads are adequate, that fire departments and other services can find and serve homeowners, that houses are not built where they will cause degradation to streams, that irrigation rights are respected, and that homeowners are protected from major hazards.

Good subdivision review is not anti-property rights, but rather protects all

SENATE NATURAL RESOURCES

EXHIBIT NO. 7

DATE 2/3/93

property owners -- those that sell from potential lawsuits, those that buy from excessive costs and hazards, and above all those many citizens, present and future, whose property taxes end up paying for the consequences of poorly designed development.

The legislative battle to eliminate the exemptions to the subdivision laws has been going on for more than a decade. Each legislative session it ends in stalemate and failure, shouted down by those who reap short-term profit from the unregulated subdivision of land. This has been touted as the year that Montana lawmakers will finally come to grips with the many serious problems which confront the state. The League of Women Voters hopes that this session legislators will at last have the courage and wisdom to break the pattern of gridlock which has prevented reform of the subdivision laws for so long. We urge your support for SB 261.

NAME Julien Page

ADDRESS Box 608 Gardiner 59030

HOME PHONE 848. 7571 WORK PHONE 848-7777

REPRESENTING Upper Yellowstone Defense Fund

APPEARING ON WHICH PROPOSAL? SB 261

DO YOU: SUPPORT OPPOSE AMEND

COMMENTS: Mr. Chairman, members of the committee. JP-9a:

The Upper Yellowstone Defense Fund supports S.B. 261 because it very simply eliminates the 3 major loopholes in the current subdivision law (20 ac exclusion, occasional sale, family conveyance) that have allowed most property divisions (90%) to go unreviewed. The video tape we are presenting shows Ed Francis, the Vice-President of the Church Universal and Triumphant, talking to a group of followers in 1982. This tape demonstrates how this law has been abused. Our example is from Park County, numerous other examples exist around the state.

SENATE NATURAL RESOURCES

EXHIBIT NO. 8

DATE 2/3/1993

BILL NO. SB 261

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

February 2, 1993

"What we're saying is there's an opportunity that exists for people to, lets say 2 or 4 people to go together and buy a piece of property in one person's name. It would be possible to subdivide that property actually fairly quickly if its done correctly into 5 to 10 acre parcels or basically whatever it is you wanted. Now, it would be basically, uh, I wouldn't want to say unlawful, but it is not in accordance with the subdivision law for a party to preplan a subdivision of less that 20 acre pieces to attempt to evade the subdivision law. This thing would be your own responsibility. I'm simply informing you of the fact that the opportunity exists to do that and its very easy to do and there are plenty of engineers around that can show you how to do it very simply."

Ed Francis, August 28, 1982

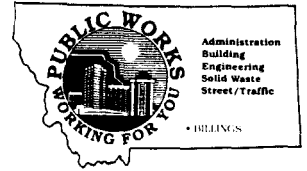
SENATE NATURAL RESOURCES
EXHIBIT NO. 8A
DATE 2/3/93
BILL NO. SB 261



CITY OF BILLINGS

PUBLIC WORKS DEPARTMENT
Administration Division

510 North Broadway-4th Floor
Billings, Montana 59101
Office (406) 657-8230
Fax (406) 657-8252



The City of Billings supports subdivision bills that will assure that adequate review and approval is required on all divisions of lands. This would include, but not be limited to:

1. Elimination of 20 acre exemption
2. Elimination of occasional sale provisions
3. Appropriate limits on the sale to immediate families
4. Streamlining the review process for all subdivisions
5. Allowing for expedited review of minor subdivisions if they meet the requirements of an adopted master plan
6. Continues the requirement for park dedication
7. Refines the definition of public interest criteria with more local flexibility to comply with local plans such as open space, transportation, zoning, storm drain master plans, utilities master plans, etc.

SENATE NATURAL RESOURCES

EXHIBIT NO. 9

DATE 2/3/93

BILL NO SB 261

MontPIRG

Montana Public Interest Research Group

360 Corbin Hall □ Missoula, MT 59812 □ (406)243-2907

2/2/93

Testimony For Senate Bill # 261

Dear Chairman Bianchi and Members of the Committee:

The Montana Public Interest Research Group (MontPIRG) is a non-profit, non-partisan research and advocacy organization located on the University of Montana campus. MontPIRG represents 2500 student members and 1500 community members statewide.

MontPIRG supports the simple changes Senator Doherty's Bill makes to the Montana Subdivision law.

We feel these changes are necessary to help bridle the uncontrolled development of our state.

Personally my interest in this issue has grown over the last few years as I watched my rural childhood home in the Bitterroot Valley change into a suburb of Missoula. I have witnessed conflicts over water and roads, over crowded schools and the loss of many agricultural lands as the result of this out of control development. The critical point I am trying to make here is the sheer speed at which this is happening. I am only twenty two years old, but I have witnessed thousands of acres developed with no thought given to any of the cumulative impacts. Our state is changing and our subdivision laws need to change with it.

Thank you,

Matthew K. Arno

Matthew K. Arno

Students and citizens working for educated consumers, a clean environment and a more responsible government.



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SENATE NATURAL RESOURCES

EXHIBIT NO. 10

DATE 2/3/1993

BILL NO. SB 261



OFFICE OF THE CITY ATTORNEY

435 RYMAN • MISSOULA, MT 59802-4297 • (406) 523-4614

February 3, 1993

93-041

Senator Steve Doherty
Montana State Legislature
Capitol Station
Helena, Montana 59620

Senate Natural Resources Committee
Montana State Legislature
Capitol Station
Helena, Montana 59620

RE: SB-261 REVISING MONTANA SUBDIVISION AND PLATTING ACT

Honorable Senator Doherty and Senate Natural Resources Committee:

The City of Missoula and the Montana League of Cities and Towns have both adopted resolutions urging the repeal of the current broad family transfer and occasional sale subdivision exemptions. SB-261 will accomplish those requests for municipal government.

The use of subdivision exemptions generally results in avoidance of any park land dedication, unpaved roads that contribute to air pollution and construction of residences that are not connected to municipal sanitary sewer systems.

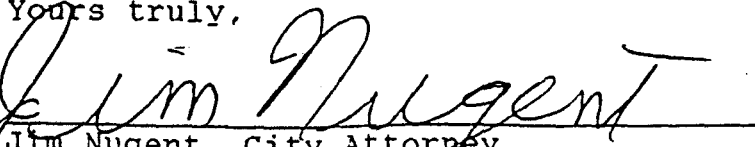
City of Missoula officials would also urge that the State Legislature consider amending Section 76-3-204 MCA to reinstate 40 Montana Attorney General Opinion No. 57 (1984) holding that:

A developer's construction of 48 four-plexes, to be used as rental occupancy buildings, on a tract of land owned by the developer is a "subdivision", and consequently must be submitted for local review under the Subdivision and Platting Act.

The 1985 Montana State Legislature negated this attorney general opinion by amending Section 76-3-203 MCA to its current language. A development with 48 four-plexes would have a substantial impact on all government services and should be subject to subdivision review. Enclosed is a March 25, 1991 memorandum to City officials from a City planner identifying a proposed 60 rental unit project involving several buildings which was not subject to subdivision review. The effect of the 1985 State Legislature's amendments to Section 76-3-204 MCA is to allow a significant and substantive subdivision exemption that allows avoidance of subdivision review for developments that have an obvious and clear impact on government services.

Thank you for your consideration of these matters.

Yours truly,



Jim Nugent, City Attorney

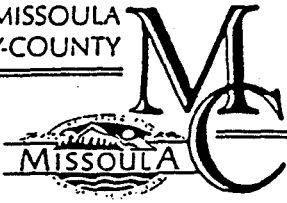
cc: Mayor; City council; Alec Hansen; John Merrell; Barb Martens;
Doris Fischer; Subdivision file; Missoula Senators

SENATE NATURAL RESOURCES

EXHIBIT NO. 11

DATE 2/3/93

BILL NO. SB 261



TO: Jim Nugent, City Attorney

FROM: Barbara Martens, Planner II
Office of Community Development

3/27/91
Barbara Martens

DATE: March 25, 1991

RE: Informational Item: Property located at the southeast corner of the intersection of 39th Street and Hillview Way.

An individual has plans to and has discussed plans with the Office of Community Development Staff to construct two sixteen dwelling unit buildings, one twelve dwelling unit building and two eight dwelling unit buildings at the southeast corner of 39th Street and Hillview Way. This construction project would consist of sixty (60) dwelling units. The developer states that he will retain ownership of all the dwelling units and therefore would not trigger statutory subdivision review.

As you will recall in our previous discussions with Rich Weddle, Attorney for the Department of Commerce, Rich Weddle informed us that Section 76-3-204 MCA would allow for the construction of these dwelling units, without requiring that they be reviewed through the subdivision process, so long as all units are retained in single ownership. This individual has stated directly that he intends to retain all units in single ownership. Other applicable regulations would still apply.

Section 76-3-204 MCA. Exemption for conveyances of one or more parts of a structure or improvement. The sale, rent, lease, or other conveyance of one or more parts of a building, structure, or other improvement, whether existing or proposed, is not a division of land, as that term is defined in this chapter, and is not subject of the requirements of this chapter.

The Staff of the Office of Community Development urged and encouraged that the developer consider the benefits of going through the subdivision process prior to constructing the units. Some of these benefits are 1). should the developer ever wish to sell any units, subdivision review will be necessary; and 2). if subdivision review occurs upfront possible delays or problems may be alleviated by addressing standards prior to construction, etc.

cc: Mayor Dan Kemmis
City Council Members
Chuck Stearns - Finance Officer/City Clerk
Mike Kress - Director of the Office of Community Development



RICHARD D. IDLER

LAND USE COUNSELOR

SENATE NATURAL RESOURCES

EXHIBIT NO. 12

DATE 2/3/93

BILL NO. 58261

Representative Dick Knox
Chairman, House Natural Resources Committee
Montana House of Representatives
Capitol Station
Helena, Montana, 59620

Re: Proposed Subdivision Bill

Dear Representative Knox;

January 30, '93

Re: Observation. The present subdivision act in my opinion, but for a few nuances, has been well crafted. These nuances as I'm told were introduced to assure passage of the original bill.

The provisions for exception, exemption and emergency division and sale of property have allowed many to circumvent the original intent of these provisions creating defects land divisions averting compliance with subdivision requirements and review.

It would seem to me that these loopholes could be closed making all land divisions subject to subdivision requirements. If a case need be made for hardship then make sure such provision is drafted in a manner requiring documentation, recordation and a limitation of its use.

I would also suggest that dedication of parkland for minor land divisions be reviewed. Too often such "pocket parks" create a nuisance for the administering agency and don't accomplish their intended purpose in the first place.

I honestly believe that to rework a new subdivision act will be time consuming, costly and probably ineffective.

Sincerely,
Richard D. Idler

The Last Best Place is disappearing right before our eyes . . .

The original is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

STATE NATURAL RESOURCES

EXHIBIT NO. 13

DATE 2/3/93

BILL NO. SB 261

SUBDIVISION REVIEW REFORM REQUEST TESTIMONY 2/3/93
by Paul Spengler, Disaster & Emergency Services Assoc. President,
and Lewis & Clark County DES Coordinator

The Montana DES Association has voted unanimously to support subdivision review reform to ensure that public safety issues are considered before a subdivision is developed. The problems are:

1. Roads that are too narrow or steep to allow access for emergency vehicles.
2. Subdivisions with only one exit road.
3. Unsafe intersections.
4. Duplicate or similar road names.
5. Addresses not in sequence.
6. Poor drainage.
7. Homes are being built in high hazard wildfire areas with no review of safety standards to reduce the danger of a wildfire.

Please eliminate the 20 acre exemption for review and pass a law that will ensure that subdivisions are reviewed to ensure that Montanans enjoy a safe, as well as a beautiful environment when they build outside of the city limits.

Thank you for your consideration.

SENATE NATURAL RESOURCES
EXHIBIT NO. 14
DATE 2/3/1993
BILL NO. SB 261

SENATE NATURAL RESOURCES

EXHIBIT NO. 16

DATE 2/3/93

BILL NO. 56 261

NAME Valorie Drake

ADDRESS 1377 Hamilton Road, Belgrade, MT 59714

HOME PHONE 388-1888 WORK PHONE 586-1593

REPRESENTING self

APPEARING ON WHICH PROPOSAL? SB 261

DO YOU: SUPPORT OPPOSE AMEND

COMMENTS:

These few, simple changes to Montana's Subdivision laws and regulations will enable Montana's counties to plan for the costs associated with providing ^{public} services to future developments.

During the last twenty years, the current exemptions to subdivision review have been used for nearly 90% of all land divisions in Montana. To remove these exemptions will eliminate future de facto subdivisions and allow counties to plan for public services, such as road building and road maintenance costs, which are extremely expensive to taxpayers. It will also:
- help to reduce the spread of noxious weeds;
- help to preserve productive agricultural lands;
- help to preserve important wildlife habitat;
- and help to control pollution of Montana's water resources.

(continued on back) →

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Specifically, I support removing the 20 acre exemption. I do not want any acreage limitation to review, as such exemptions promote and exacerbate sprawl and public service expenses, and therefore, taxes.

I support the removal of the occasional sale exemption,
and I support the removal of the family conveyance exemption.

I do, however, support the right of a person giving land to family members, but I want those land divisions to go through the review process to ensure that it meets requirements of that community's plan.

Thank you for addressing these important amendments to Montana's Subdivision Laws and Regulations.

Testimony to House/Senate Natural Resources Committees on Proposed Reform of Montana Subdivision Laws

Dear Members of the Committee,

The unregulated sprawl of subdivision development in Montana is bad for the land, bad for communities, bad for wildlife, and bad for the economy.

My name is Dennis Glick. I live in Park County and work with the Greater Yellowstone Coalition. GYC has been monitoring development trends in Greater Yellowstone for ten years. Of the landscape changes we have documented, perhaps none is more startling than the speed at which subdivisions are gobbling up open space and agricultural lands. In the five counties that make up the Montana portion of the Ecosystem, over half a million acres have been subdivided into tracts of 200 acres or less. In 1991, during a two week period, more than 5,000 acres were subdivided into 20 and 40 acre parcels in Park and Gallatin counties. Many of these subdivisions are located on prime agricultural lands, in critical wildlife habitats, or in areas of high scenic value.

It's not difficult to predict the impact that these developments will have on the future of agriculture. Gallatin county for example, lost 23% of its farmlands to subdivision in the past two decades. Noxious weeds are becoming firmly established on postage stamp ranchettes and are spreading to neighboring farms. And agricultural operations are increasingly becoming the target of complaints by transplants from more urban areas.

Subdivisions seriously threaten our wildlife heritage. Rural private lands encompass winter range essential for the survival of elk, deer and pronghorn. For example, 25% of Yellowstone Park's northern elk herd winters on private lands. Private lands harbor other important habitats such as riparian corridors and wetlands. Sixty-two plants and animals that the Nature Conservancy considers to be "sensitive" species in Greater Yellowstone, are found on private lands. These are the same areas being sliced and diced into rural subdivision.

SENATE NATURAL RESOURCES
EXHIBIT NO. 17
DATE 2/3/95
BILL NO. SB 261

Unregulated subdivision is also hard on the wallet. Besides the loss agricultural revenue, the fiscal and economic impacts of rural sprawl can be disastrous for communities. Leap frog development characterizing many of these subdivisions requires substantial and perpetual expenditures of scarce tax dollars. This includes the construction, maintenance and plowing of roads, expansion of schools and other financially draining services.

Population growth rates in the counties of Greater Yellowstone are literally some of the highest in the nation. We need to prepare ourselves to effectively manage that growth. Reforming the subdivision law is absolutely essential:

- Remove the 20 acre exemption. Reviews should also occur for platted and unplatted unsold land.
- Remove the occasional sale exemption.
- And tighten the family conveyance provisions.

This and future generations will thank you for doing so.

Sincerely,

Dennis Glick

SENATE NATURAL RESOURCES
EXHIBIT NO. 18
DATE 2/3/93
BILL NO. SB 261

NAME Lill Erickson

ADDRESS Cinnabar Rd., Box 676, Gardiner, MT 59030

HOME PHONE 848-7686 WORK PHONE 848-7276

REPRESENTING Bear Creek Council & Northern Plains Resource Council

APPEARING ON WHICH PROPOSAL? SB 261

DO YOU: SUPPORT X OPPOSE _____ AMEND _____

COMMENTS: Mr. Chairman, members of the Committee I am
Eric Erickson from Gardiner speaking on behalf of BCC & NPRC

We support SB 261 because it reforms the
much abused MT Subdivision & Platting Act by
removing the 20 acre limit ^{provision} and
removing the occasional sale provision. Both
of which have been severely abused over
the past 20 years, especially in my home
County of Park County.

We strongly support the change in incentive
so that developers working within the guidelines
of a master plan are rewarded.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA ASSOCIATION OF REALTORS
FEBRUARY 3, 1993
BEFORE THE MONTANA LEGISLATURE
SENATE NATURAL RESOURCES COMMITTEE
HOUSE NATURAL RESOURCES COMMITTEE

Generic Subdivision Testimony

Mr. Chairman, members of the Committee.

My name is Tom Hopgood. I am an attorney practicing in Helena. I appear before you this afternoon as the registered lobbyist for the Montana Association of Realtors.

The Montana Association of Realtors is a professional association of nearly 2500 licensed brokers and real estate sales persons in Montana. There are approximately 2500 more licensed brokers and salespersons in the state who are not members of the Association.

I present this generic testimony to you in written form so it can be made part of your record and for you to refer to if that should become necessary in the future.

With 2500 members, there is not unanimity of opinion on the very complicated issue of the Subdivision and Platting Act. There very well may be members of the Association supporting and opposing the same bill. I hope you will not find this confusing. Please keep in mind, these persons appear on their own behalf and not on behalf of the Association. For purposes of the Association's official position on the issue of subdivision, Steve Mandeville, legislative chairman of the Association, or I should be consulted. I am not, nor is the Association, in any way

connected to the organization calling itself the Defenders of Montana.

The official position of the Montana Association of Realtors on subdivision legislation was adopted by its Board of Directors on September 17, 1992.

SUBDIVISION

Over the last three legislative sessions the Montana Association of REALTORS has been involved in the ongoing attempt to develop a new subdivision law which would have the support of all the groups interested in land use in Montana. During those discussions MAR has consistently reiterated our basic position regarding any changes in the law. MAR supports a strong, well-defined subdivision law. The law should be simple, understandable, and streamline the review process. We firmly believe the review criteria must be objective and the public interest criteria must be eliminated before that objectivity can be reached. If objective criteria are clearly established in state law, MAR would be able to support a revision of the existing subdivision law, MAR will support legislation in the 1993 session to establish objective review criteria and eliminate public interest and need as review criteria.

The Association believes this issue should be analyzed from the perspective of the owner of private property and the basic conflict which arises between his right to use his property and the government's control of that use.

As a society, we deal with similar conflicts in other areas on a day-to-day basis. Property rights in connection with property other than real estate are generally clearly defined and well known. As such, few disputes arise and for those that do, there are mechanisms to resolve them without resort to litigation.

As a society, we economically settle competing interests as we determine such things as the appropriate amount of wheat to grow, cars to manufacture, houses to build, and advertising to produce. The coordination is not done through government direction, but through the cooperation of millions of individuals, each with competing interests, acting in the market place. The market uses prices and profits to signal to individuals what should be produced and in what quantity. But complex and efficient markets require the establishment and maintenance of well-defined property rights; the system would collapse if participants were largely uncertain who could do what with land, products, services, and ideas.

We respectfully submit that the implementation of the Montana Subdivision and Platting Act and its attendant regulations have greatly blurred the rights of private property owners and further, that in Montana, the use and division of land is, by and large, no longer a function of the market place. The Association recognizes that rampant and unplanned development is undesirable. However, we respectfully submit that Montana's Subdivision and Platting Act and its attendant local regulations have proved difficult and have been the source of on-going litigation precisely because of the uncertainty as to property rights they have engendered.

It is our position then that the subdivision process must be made predictable. An individual must be able to submit a subdivision proposal and have an idea what he needs to do and what the outcome will be. As the situation now stands, a developer contacts his attorney, his surveyor, or his realtor, and asks "what do I need to do?" This is a question which cannot be answered.

The reason it cannot be answered is in the review process. It just does not work.

As to the bills being heard this afternoon, the Montana Association stands in opposition to SB 261--it strikes all of the exemptions and does little or nothing to streamline the review process.

The Association also stands in opposition to HB 242, which effectively strikes the exemptions but does absolutely nothing for the review process.

The Association stands in opposition to HB 408, which again strikes the 20 acre and occasional sale exemption, but does little if anything to remedy the problems in the review process.

The Association takes no position on HB 218 or HB 280. We neither support nor oppose these bills.

The Association stands ready to assist this Committee in any way it needs and to participate in any sub-committee work which might be prescribed.

TKH/jb

February 3, 1993
Senate Natural Resources Committee
Senate Bill No. 261

The exhibits of SB 261 contain a packet of letters in support of this bill. The originals are stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

DATE 2/3/93

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: SB 261

Name	Representing	Bill No.	Check One	
			Support	Oppose
Douglas B. Olsen	Pasaden Valley Co. Co. Co.	261	with X amend	
JIM Nugent	CITY OF MISSOULA	261	X	
Alec Hansen	CITIES + TOWNS	"	✓	
Harriet Deloy	LREC/State Planning Bd	"	✓	
DAVE PRILITT	GALLATIN COUNTY COM	261	✓	
Stan Bradshaw	MT. Trout Unlimited	261	✓	
Glenda Bradshaw	self	261	✓	
Don Miller	self			X
Steve Manderville	MT Assoc Realtors	261		X
Kelly M. Flaherty	self	261	X w/ amend	
Ted J. Dorey	MT. Dairymen's Assn.	261		X
Lorna Frank	MT. Farm Bureau	261		X
Ali von Gontard	self	261	✓	
Eric Jones	self	"	✓	
Jerry Ditto	self	261		X
John Blomquist	MT. Steepmont Assoc	261		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2/3

SENATE COMMITTEE ON NATURAL RESOURCES

BILLS BEING HEARD TODAY: SB 261

Name	Representing	Bill No.	Check One	
			Support	Oppose
MARK SHAPLEY		261	X	
Adrian Jones	self	261	✓	
Suzanne Spencer	self	"	✓	
Brooks Martini	self	261	✓	✓
Dennis Glid	GMC	261	✓	
Bill Bucher	MARLS	261		
Jon Elliott	self			
TOM JAVOZ	MARLS			
Blake Wurdal	Jewett Clark Co	261	X	
THOMAS L RUSSET	MARLS	261		
TIM SWANSON	CITY OF BOZEMAN		X	
FREN HART	MISSOULA COUNTY	261	X	
Tom Hopgood	Mt. Assoc. Realtors	261		✓
Dan McGhee	Mt. Assoc. Reg. Land Surveyors	261		✓
Mary Sexton	self		✓	
Sara Touman	self	261	✓	

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DATE 2/3

SENATE COMMITTEE ON NATURAL RESOURCES

BILLS BEING HEARD TODAY: SB 261

Name	Representing	Bill No.	Check One Support Oppose
Steve Herbaly	FRIDO Kalispell	261	<input checked="" type="checkbox"/>
Alissa Herbaly	Self	261	<input checked="" type="checkbox"/>
ROSS PLAMBECK	CITY OF KALISPELL	261	<input checked="" type="checkbox"/>
Ken Lacy	City of Billings	261	<input checked="" type="checkbox"/>
Pat Bradley	Twin Bridge Citizens	261	<input checked="" type="checkbox"/>
RACHAEL SIRS	MONTANA CITY	261	<input checked="" type="checkbox"/>
SHERRI JANICE	MT. CHAPTER SIERRA CLUB	261	<input checked="" type="checkbox"/>
Penny Koke,	Montana City School	261	<input checked="" type="checkbox"/>
Jim Erickson	MWF / MAA	261	<input checked="" type="checkbox"/>
ERIK SIRS	CLANCY	261	<input checked="" type="checkbox"/>
Dick Beebater	Self	261	<input checked="" type="checkbox"/>
Julia Page	Upper Yellowstone Defense fund	261	<input checked="" type="checkbox"/>
Will Erickson	Bear Creek Creeked Northern Plains Resource. Comm	261	<input checked="" type="checkbox"/>
Ralph Jackson	Self testimony NO	261	<input checked="" type="checkbox"/>
Joel Nelson	Self testimony No	261	<input checked="" type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2/3

SENATE COMMITTEE ON NATURAL RESOURCES

BILLS BEING HEARD TODAY: SB 261

Name	Representing	Bill No.	Check One Support Oppose	
WILLIAM F. GOWEN	MONTANA LAND TITLE ASSN	261		
Steven Hartman	Pinkus Audubon	261	X	
Ree Smith, Realtor	Self	261	X	
Matthew K Arno	Mont PIRG	261	X	
Art Whitten	Mont OR AFS	261	X	
PAUL SPENGLER	Mont, Assoc of D.S. + Em. Svcs.	"		
Edward A. Jr	RTICouncil	261		X
Carter Calle	MT Audubon	261	X	
Janet Ellis	MT Audubon	261	X	
LISA BAY	Lewis & Clark Conservation District	261	X	
Scott McCallister				
MIKE MOVEY	SELF	261		X
Bruce L Howard	Lake Counties	261		X
CHRIS GINGHELLI	Missula City Council	261	X	
Bob Meyer	Agriculture Preserves	261		X
Leo B. Hatch	Perse City	261	X	Amendment

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2/3

SENATE COMMITTEE ON NATURAL RESOURCES

BILLS BEING HEARD TODAY: SB 261

Name	Representing	Bill No.	Check One	
			Support	Oppose
HUNTER CASMAN	SELF	261	✓	
Kathy Macfield	City of Helena	261	✓	
Terry Murphy	Self	261	✓	
Valorie Drake	self	261	✓	
DOUG RAND	SELF	261	✓	
Neal Brown	Self B	261	✓	

E.M. "Sonny" Stiger	Tri-County Fire	261	✓	
Peggy Murray	self	261	✓	
Tonia Bloom	League of Women Voters of Montana	261	✓	
JOAN SPIRIG	SELF	261	✓	
Steve Paul	Ravalli Co. - MACO	261	✓	
RICHARD D. DUNN	SELF	261	✓	
Herva Simpson	self - Bd. LWV	261 261	✓	
Clare Owens	SELF	261	✓	
Steve Schombel	SELF	261	✓	

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DATE 2/3/93

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: SB 261

Name	Representing	Bill No.	Check One	Support Oppose
Alan Rana	Myself	280HB		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2-3-13

SENATE COMMITTEE ON Senate Natural Resources

BILLS BEING HEARD TODAY: SB 261

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Name	Representing	Bill No.	Check One	Support	Oppose
La Rue Moorhouse	Self	261	<input checked="" type="checkbox"/>		
Bob Barry	MAPP	261	<input checked="" type="checkbox"/>		
M. Chris Imhoff	Helena Citizens Council	261	<input checked="" type="checkbox"/>		
Mike Ford	Self	261	<input checked="" type="checkbox"/>		
DAVE STAHLY	SE #A	261			<input checked="" type="checkbox"/>
Todd Kutz	Self	261	<input type="checkbox"/>		
BRUCE WADE	SELF	261			<input checked="" type="checkbox"/>
CAROLE SANDIN	SELF	261			<input checked="" type="checkbox"/>
Gerald L. Newgard	LAKE COUNTY	261	<input checked="" type="checkbox"/>		
MARILYN WOOD	SELF	261	<input checked="" type="checkbox"/>		
Jim Yeagley	Lewistown/Fergus/Teton Co	261	<input checked="" type="checkbox"/>		
Ron A. Andersen	Teton/Panhandle/Glacier Co.	261	<input checked="" type="checkbox"/>		
Boger Sanders	Cascade County	261	<input checked="" type="checkbox"/>		
Brian McNitt	MEIC	261	<input checked="" type="checkbox"/>		
Sanna Kiesling	self	261	<input checked="" type="checkbox"/>		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2/3/93

SENATE COMMITTEE ON Senate Natural Resources

BILLS BEING HEARD TODAY: SB 261

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Name	Representing	Bill No.	Check One Support Oppose
J.V. Bennett	Montana Wildlife Federation	261	✓
David Ross	MT Audubon Legislative Fund	261	✓
Mark Dapit	MT Audubon Legislative Fund	261	✓
Robert W. Schemm	ARODE Realty	261	✓
Robert D. Dingo	Self as Developer	261	✓
Leslie Roberts	MT Audubon Council		✓
Bob Mack	Self	⁵ 261	✓
Wm Spilker	Self	261	✓
Susan Berrigan	Self	261	✓
Ellen W. Wadby	Pop City Planning	261	✓
Jim Melstad	Dept. Health's Env. Sci	261	
David M. Dolo	The Solar Way	261	✓
Paul Mills	MT AFL CIO	"	
CESAR HERNANDEZ	SELF	261	✓
Sharon Deihl	Self	261	
Darlene Grove	✓	261	✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY